

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BRIAN JOHNSON

*

Plaintiff,

v.

*

CIVIL ACTION NO. PJM-07-1578

CLERK OF THE COURT

*

Defendant.

MEMORANDUM OPINION

Plaintiff is confined at the United States Penitentiary- Big Sandy in Inez, Kentucky. On June 6, 2007, the Court received for filing his letter seeking information he claims is maintained with the Clerk's Office related to his federal prosecution in Virginia.¹ The document has been construed as a request filed under the Freedom of Information Act ("FOIA"). Federal courts and the clerks offices that receive court pleadings are not "agencies" covered under the FOIA. Indeed, the FOIA does not apply to courts of the United States.² See 28 U.S.C. § 551; *Smith v. United States District Court for the Southern District of Illinois*, 956 F.2d 647, 649 n.1 (7th Cir. 1992); see also *Cook v. Willingham*, 400 F. 2d 885, 885-86 (10th Cir. 1968); *Harris v. United States*, 121 F. R. D. 652, 654 (W.D. N. C. 1988). Therefore, Plaintiff's FOIA request shall be dismissed by separate Order.³

/s/

PETER J. MESSITTE

UNITED STATES DISTRICT JUDGE

June 22, 2007

¹ It is believed that Plaintiff is referring to *United States v. Johnson*, Criminal No. LMB-98-0283 (E.D. Va.).

² A review of this Court's criminal docket fails to reveal a case filed under the name of Brian Antwanine or "A." Johnson.

³ Plaintiff did not file the \$350.00 civil filing fee or a motion for leave to proceed in forma pauperis. In light of the dismissal of this matter, he shall not be required to cure this deficiency.